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Courtney A. Penn, Vice Chairman
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COMMONWEALTH
of
VIRGINIA

Board of Juvenile Justice

Board Meeting
Rappahannock Detention Home
275 Wyche Road
Stafford, VA22554

November 12, 2008

Board Members Present: James Turpin, Courtney Penn, Barbara Myers, Kecia Brothers, Aida Pacheco, Patricia Puritz, and Justin Wilson

DJJ Staff Present: Barry Green, Tim Howard, Ed Murray, Kenneth Bailey, Janet Van Cuyk, Deron Phipps, George Wakefield, Regina Hurt, Vernon Harry, William Davenport, John Coble, Tim Joost, Steve Peed, Resident L.T.-Culpeper JCC, Vince Butaitis, Mike Mastropaolo-15th CSU, Joy Lugar, Clarice Booker, Marilyn Miller-Brown, Doug Jones-RDH and Deborah Hayes.

I. CALL TO ORDER

The meeting was called to order at 10:15 by Chairman Turpin. Chairman Turpin introduced Mr. Douglas Jones, Superintendent of Rappahannock Detention Home. Mr. Jones welcomed everyone and said he was happy to host the Board meeting. Mr. Jones said this facility opened December 2000 and is a great improvement over the former facility. He invited interested parties to tour the facility after the meeting and lunch.

II. INTRODUCTIONS

Mr. Turpin called for introductions of attendees prior to proceeding. In addition to DJJ staff and Board members listed above, in attendance were: Bill Muse-OAG, Liane Rozzell-FAVY, Abigail Turner-JustChildren, Kristin Van Tine, Ray Barnett, Paul Milde, Gary Skinner-Chaplin Youth Center, Gwynn Cunningham, Carolyn Ross-DCE, and Lori Winter-Fairfax JDRDC.

III. APPROVAL OF AGENDA

On MOTION duly made by Ms. Brothers and seconded by Mr. Wilson, the Board approved the agenda as presented. Motion carried.

IV. APPROVAL OF SEPTEMBER 17, 2008, MINUTES

On MOTION duly made by Ms. Myers and seconded by Ms. Pacheco, the minutes of the September 17, 2008 Board meeting were approved as submitted. Motion carried.

V. PUBLIC COMMENT PERIOD

Ms. Liane Rozzell, FAVY, comments focused on parental notification. Ms. Rozzell urged the Department to ensure that policy requires notification of parents or guardians in all cases of serious jury, surgery, illness, or death. In addition, parents should be kept aware of ongoing health issues, both physical and mental, and they should have the opportunity to participate in treatment decisions and care whenever possible. Ms. Rozzell's written comments will be filed with the Board minutes and will be available upon request.

Ms. Abigail Turner, JustChildren, thanked the Board for the opportunity to comment on the policies that will be considered at the November meeting. She was also appreciative of the large amounts of staff work which went into the policy recommendations. Ms. Turner's written comments will be filed with the Board minutes and will be available upon request.

VI. COMMITTEE REPORTS

A. Secure Services Committee

Certifications

On MOTION duly made by Mr. Penn and seconded by Mr. Wilson to certify Highlands Juvenile Detention Center and its post-dispositional program for three years with a status report on the mandatory standards at the January 2009. Motion carried.

On MOTION duly made by Mr. Penn and seconded by Mr. Wilson to certify the James River Juvenile Detention Center and its post-dispositional detention program for three years. Motion carried.

Issues

On MOTION duly made by Mr. Penn and seconded by Ms. Myers to issue a new certification certificate to Shenandoah Valley Juvenile Center establishing a new capacity of 38 for the secure detention program. Motion carried.

B. Non-Secure Services Committee

Certifications

On MOTION duly made by Ms. Pacheco and seconded by Ms. Brothers, to certify the following programs for three years: 17th Court Service Unit (Falls Church) and Judge Patrick D. Molinari Juvenile Shelter. Motion carried.

On MOTION duly made by Mr. Wilson and seconded by Ms. Myers to approve probationary status for Chaplin Youth Center until April 2009. Motion carried. The Board directed the Director of DJJ to send a letter from the Board of Juvenile Justice to Chaplin Youth Center pointing out the Board's continued concerns over the mandatory standards which are not being met and request a report on this certification at the April 2009 meeting.

Ms. Kristin Van Tine, director of the Chaplin Youth Center spoke on behalf of the Center. Ms. Van Tine said she understood the seriousness of not being in compliance with the standards. She said they are working to resolve the issues. She said one improvement is the creation of a form to track the administering of medications.

On MOTION duly made by Ms. Pacheco and seconded by Mr. Wilson to certify Shenandoah Valley Juvenile Shelter and Assessment Center until the April 2009 meeting. Facility is approved as a pre-dispositional group home for male and female residents, ages 12-17, and a capacity of 20.

On MOTION duly made by Ms. Pacheco and seconded by Ms. Brothers, to issue a new certification certificate to Crossroads Community Youth Home approving the relocation to 5684 Mooretown Road, Williamsburg, VA. The facility is certified as a pre and post-dispositional group home for male and female residents, ages 14-17, and an approved capacity of 16.

On MOTION duly made by Ms. Pacheco and seconded by Ms. Myers, to continue the certification status of the 17th District Court Service Unit-Arlington, to January 14, 2009.

Mr. Turpin advised that the Hampton-Newport News Less Secure Shelter is officially closed and is no longer under the jurisdiction of the Department and the Board of Juvenile Justice.

**3. Other
VJCCCA Plans**

On MOTION duly made by Ms. Pacheco and seconded by Ms. Myers, to amend the FY2009-2010 VJCCCA plan for Campbell County in accordance with the Request to Amend. Motion carried.

Fairfax Less Secure Shelter II

On MOTION duly made by Ms. Pacheco and seconded by Ms. Puritz: The *Code of Virginia* (§16.1-309.5) empowers the Board of Juvenile Justice to approve construction reimbursement for group homes, but the *2008 Acts of Assembly*, Chapter 879, Item 411.A., which supersedes this *Code* provision, prohibits the Board from approving or committing additional funds for construction. However, Fairfax County intends to seek an exception to this moratorium through a legislatively-sponsored amendment.

Therefore, the Board of Juvenile Justice approves the Planning Study for the Fairfax Less Secure Shelter II and recommends reimbursement by the state, should Fairfax be successful in obtaining a legislative exception to the *2008 Acts of Assembly*, in the amount of 50% of the total project cost, not to exceed \$446,664, representing the statewide average cost of reimbursement per bed of \$37,222 for 12 beds.

The availability of funds for reimbursement as approved above is contingent on the appropriation of funds by the General Assembly. Motion carried.

Mr. Wilson asked Director Green if we are stepping up the regulatory inspections in light of the severe personnel reduction that are taking place. Mr. Green said the Department is very mindful of the monitoring process though we are limited in resources. He said DJJ's Certification Unit, managed by Mr. Bailey, and the Community Programs division conduct regular and drop-in visits in order to monitor programs. Facilities are required to maintain a standard and if they fall below that standard, that creates a problem which must be addressed.

VII. OTHER BUSINESS

A. Art Presentation

Resident LT-Culpeper JCC said he is developing his art skills and is currently working on three other pieces of art. He said he has graduated from high school. He presented his art to the Board. Mr. Green said his art will hang in DJJ's board room. Mr. Turpin thanked the staff for bringing Resident LT to the meeting.

B. NVA Workforce Investment Board/Pre-Release Employment Center

Ms. Pacheco introduced Mr. David Hunn, director of the SkillSource Group, Inc. She stated that employment is critical to the livelihood of individuals who are released from our correctional facilities. Mr. Hunn distributed copies of his presentation and gave a brief overview of the SkillSource—Fairfax Sheriff Pre-Release Employment Center. He said this organization is federally mandated and consist of 15 boards in Virginia, of which Northern VA is #11. This organization is funded by a special grant from the Department of Labor and awarded to the Skill Source organization by Governor Kaine. Mr. Hunn's presentation will be filed with the Board materials in Central Office and will be made available upon request.

Ms. Pacheco stated that she is working on a draft plan to present to the Board so they can see how this could work for pre-release for our youth. She said the Work Force Investment program provides monies for the youth program and thinks that this program can operate through the CSU.

C. Policy Review

On MOTION duly made by Mr. Wilson and seconded by Ms. Myers, to adopt the proposed amendments for the following Board policies to be effective November 17, 2008, as submitted by the Department's Policy Review Committee:

- 20-112 Youth Advisory Committee
- 18-001 Crisis Intervention and Use of Force
- 18-002 Use of Mechanical Restraints
- 18-005 Chemical Agents

Motion carried.

On MOTION duly made by Mr. Wilson and seconded by Ms. Brothers to rescind the following Board policies as of November 17, 2008 as they have been incorporated in the Virginia Administrative Code, are covered in the Virginia Code, or have been deemed unnecessary:

- 18-012 Movement and Transport of Committed Youth
- 18-015 Security Devices in Juvenile Correctional Centers
- 18-017 Supervision of Youth in Residential Facilities
- 18-018 Safety and Security for all Organizational Units Including Vehicles
- 18-019 Permanent Log
- 18-022 Detainers to be Verified
- 20-203 Individual Program to Manage High-Risk Youth
- 20-205 Preparation for Release
- 20-206 Room Restriction

Motion carried.

On MOTION duly made by Mr. Turpin and seconded by Ms. Puritz to advance the following Board policies to second review, for consideration of action proposed by the Department's Policy Review Committee at the January 14, 2009 meeting:

- 20-301 Youth Employment
- 20-312 Placement in Group or Foster Home
- 20-313 Regional Office Staff to Inform Residential Facility Staff of Standards
- 20-314 Transfer of Juveniles Between Community Facilities
- 20-315 Placement and Removal of Juveniles in Substitute Home Setting
- 20-501 Release to Parole
- 20-504 Termination of Probation
- 20-505 Court Service Unit's Closing Report of Juveniles Under Supervision
- 20-506 Violation of Probation or Parole
- 20-507 Court Service Unit's Reporting of Delinquent Activity of Juveniles Under Supervision
- 20-516 Urine Drug Screening of Juveniles on Probation or Parole
- 9020 Balance Approach to Juvenile Justice
- 9021 Risk Based Approach to Community Supervision & Treatment
- Long Range Youth Services Policy

Motion carried.

On MOTION duly made by Mr. Turpin and seconded by Ms. Myers to advance the following policies for further consideration by the Board at its January 14, 2009 meeting:

- 12-001 Health Care Policies
- 12-001.1 Health Services Advisory Committee
- 12-001.6 Confidentiality of Health Information for Committed Youth
- 12-001.8 Health Evaluations for Newly Committed Youth
- 12-001.9 Health Screening Intrasystem Transfers
- 12-001.10 Physicals: Annually & Prior to Release from Learning Centers
- 12-001.11 Treatment Plans for Special Health Care Needs of Youth in Direct Care
- 12-001.12 Committed Juveniles' Access to Health Records
- 12-001.13 Emergency Medical Services
- 12-001.14 Immunizations of Youth in Direct Care
- 12-001.15 Pharmaceuticals & Administering of Medication
- 12-001.17 Family Planning, Obstetrical, Gynecological, and Health Education Services
- 12-001.18 Medical Management of Alcohol and Drug Abuse
- 12-001.19 Statistical and Environmental Report for Juvenile Residential Facilities
- 12-001.20 Notification of Parent, Guardian or Responsible Agency
- 12-001.21 Emergency and Health Care Training in Residential Facilities
- 12-001.24 Prostheses and Orthodontic Devices
- 12-002 Health Care Authority and Responsibility
- 12-003 Communicable Diseases and HIV

Motion carried.

Mr. Turpin asked Ms. Van Cuyk to provide additional information on the policies. Ms. Van Cuyk said the regulations were reviewed and determined how they addressed and/or superseded the nineteen policies that we are currently reviewing. They then met with the Chief Administrator of Health Services to review the contents, practices and policies and how they relate to each other. They also reviewed the Constitutional, statutory, regulatory and ethically mandated requirements related to health services. She then reviewed the content of the above policies for the removal of unnecessary and antiquated provisions, deletion of procedural language, and retention of substantive provisions not covered elsewhere or which provide an outline of services provided. Edits were done with consideration of and reliance upon national standards, primarily those of the National Commission on Correctional Healthcare (NCCH).

Mr. Turpin advised that the mental health policies will be addressed separately. After a presentation on each policy, Mr. Turpin requested additional information from Mr. Joost, Chief Administrator of Health Services. Mr. Joost noted that health services are governed by a complicated Constitutional, statutory, and regulatory regime and the requirement to follow all such requirements is of primary importance. The proposed edits to the health services policies brings a broad stroke outline of such requirements and utilizes the language of NCCH, which has a specific set of standards for health services for juvenile confinement facilities. Mr. Joost answered questions from Board members on specific policies. Mr. Joost noted that the parental notification provision was deleted due to the regulatory provision in place but that practice involves notification as soon as possible, with a 24 hour limitation. Mr. Joost also reviewed the components of the emergency services policy, noting that a response to an individual or larger-scale emergency require a systemic response, given the integrated nature of security and health services in juvenile correctional facilities. Ms. Van Cuyk stated that, while mental health services are included in the definition of health care services, a separate set of policies address these services. Those policies have been tabled by the Board and will be addressed at the end of the policy review process.

D. Publication of Draft of the Standards for Nonresidential Services Available to Juvenile and Domestic Relations District Courts

On MOTION duly made by Mr. Wilson and seconded by Mr. Penn, to authorize the Department to submit the draft of the proposed regulation for the Standards for Nonresidential Services Available to Juvenile and Domestic Relations District Courts (6VAC35-150) for publication in the Virginia Registrar and for public comment and to authorize that a public hearing not be held for such comment. Motion carried.

E. Regulatory Update

Ms. Van Cuyk called the Board's attention to the Regulatory Update. She asked that the Board review the recommended changes; after the 60 day comment period, Policy staff will come back to the Board with the comments and recommended changes at the April 2009.

F. Crime Commission Report

Mr. Phipps provided a summary of the Virginia State Crime Commission's Study of the Juvenile Justice System (Delegate Brian Moran). The House Joint Resolution No. 136 (2006) directed the Virginia State Crime Commission to conduct a two-year study of Virginia's juvenile justice system. HB 113 continued the study through 2008. He directed the board's attention to the summary of the issues that will be presented to the full Crime Commission at the December 9, 2008 meeting. The results of the study are due to the full General Assembly on the first day of the session (January 14, 2009).

VIII. Director's Comments

Mr. Green distributed a copy depicting the anticipated budget reductions taken by the State. The Governor will make his recommendations to the Money Committee on December 17. \$279 million was derived from agency cuts and the state is still short approximately one billion dollars. He advised that the cuts decrease the agency's ability to provide services to residents who are returned to the community or placed on probation. DJJ will have to rely on CSBs and organizations such as the Workforce Investment Boards to assist with providing services.

Board Comments

Mr. Turpin said the Board will be mindful of the financial issues and will plan to have future meetings within a 50-mile radius of Richmond in order to alleviate overnight stays.

Executive Closed Session:

On MOTION duly made by Mr. Turpin and seconded by Mr. Wilson that the Board reconvene in Executive Closed Session, pursuant to Section 2.2-3711 (A), for discussion of personnel matters and for consultation with legal counsel and briefings by staff members, consultants or attorneys, pertaining to actual probable litigation, or other specific legal matters requiring the provision of legal advice by counsel, and for matters involving security otherwise exempt under the Freedom of Information Act.

Upon their return to the regular meeting from Executive Closed Session, the Board members were polled as follows: Do you individually certify that to the best of your knowledge, (1) only public business matters lawfully exempted from open meeting requirements by Virginia law were discussed in the Executive Meeting, and (2) only such public business matters as were identified in the motion convening the Executive Closed Meeting were heard, discussed, or considered. Board members polled and certified were Ms. Brothers, Ms. Myers, Ms. Pacheco, Ms. Puritz, Mr. Penn, Mr. Wilson and Mr. Turpin.

IX. NEXT MEETING

The next meeting will be held on Wednesday, January 14, 2009 at the Cedar Lodge Training Center in Richmond, Virginia.

XI. ADJOURN

Having no other business, and on MOTION duly made by Ms. Myers and seconded by Ms. Pacheco, the meeting adjourned at 12:30 pm. Motion carried.

Respectfully submitted,

Deborah Canada Hayes, DJJ Board Secretary